



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): John E. Sims and Teresa L. Born

Serial No.: 10/737,146

Group Art Unit No.: 1647

Filed: December 15, 2003

Examiner: J. M. Lockard

For: ACPL DNA AND POLYPEPTIDES

Docket No.: 2872-US-DIV3 (2872-C)

PETITION TO REVIVE UNDER 37 CFR 1.137(a)

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully state that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable. Applicants hereby petition that the application be revived and reinstated as a pending application.

Applicants never received the Office Action dated March 13, 2006. Applicants first became aware of the Action when the undersigned was contacted by telephone by Examiner Lockard, who was preparing the notice of abandonment and wanted to be certain that a response was not filed. The Notice of Abandonment was mailed on November 22, 2006.

A proposed response to the outstanding Office Action dated March 13, 2006 accompanies this petition.

Since this patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

Pursuant to 37 CFR §§ 1.137(a)(2) and 1.17(l), please charge the petition fee (\$500.00) to Deposit Account No. 09-0089. An original and one copy of this paper are enclosed.

Applicants request favorable action on this petition.

12/05/2006 AWONDAF1 00000031 090089 10737146

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Respectfully submitted,



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